

1 HONORABLE RONALD B. LEIGHTON  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 CHARLES DANIEL JR.,

11 Plaintiff,

v.

12 L'MENREUX, et al.,

13 Defendants.

CASE NO. C13-5502 RBL

ORDER DECLINING TO  
CONTINUE IFP STATUS ON  
APPEAL

14 THIS MATTER is before Court on referral from the Ninth Circuit [Dkt. #30]. This Court  
15 must determine whether Plaintiff Daniel's *in forma pauperis* status should continue for the  
16 appeal, or whether the appeal is frivolous or taken in bad faith. *See* 28 U.S.C. §1915(c).

17 A court should "deny leave to proceed *in forma pauperis* at the outset if it appears from  
18 the face of the proposed complaint that the action is frivolous or without merit." *Tripathi v. First*  
19 *Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C.  
20 § 1915(e)(2)(B)(i).

21 Plaintiff claims he was assaulted in prison, though he made no effort (despite multiple  
22 opportunities and invitations from this Court) to plausibly link any of the numerous named  
23 defendants to that incident.

1 The claims asserted were and are frivolous and without merit. This Court will not  
2 continue Plaintiff's *in forma pauperis* status on appeal.

3 IT IS SO ORDERED.

4 Dated this 18<sup>th</sup> day of March, 2014.

Ronald B. Leighton

RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE